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Dated: January 13, 2006

Signature: *Scott E. Charney*

(Scott E. Charney)

Docket No.: SPINE 3.0-421
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Pham et al.

Application No.: 10/808,817

Group Art Unit: 3726

Filed: March 25, 2004

Examiner: C. Agrawal

For: APPARATUS AND METHOD FOR
CUTTING SPINAL IMPLANTS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed December 13, 2005, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-27, drawn to a spinal implant cutting apparatus, classified in class 82, subclass 101.

II. Claims 28-47, drawn to a method of sizing a spinal implant, classified in class 29, subclass 557.

In response, Applicants hereby elect the invention of Group I, corresponding to claims 1-27. Applicants reserve the right to file a divisional application corresponding to the non-elected claims.


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In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: January 13, 2006

Respectfully submitted,

By 

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